



9P 1744

Docket No. OB-084D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roberts et al.

Serial No.: : 10/036,022

Filed on: : 12/26/01

Art Unit: 1744

Examiner: Tentoni

For: Gum-Massaging Oral Brush

Assistant Commissioner For Patents
Washington, DC 20231

PETITION TO MAKE SPECIAL

Applicants hereby petition for the above referenced application to be made special under the provisions of 37 CFR 1.102(d). The reason for this petition is actual infringement (see MPEP 708.02(II)).

In support of this petition, Applicants' representative, the undersigned, states that:

- (1) There are two infringing products actually on the market. These products are manufactured by Johnson & Johnson and Unilever.
- (2) A rigid comparison has been made of these devices with the claims of the application, and, in my opinion, at least some of these claims are unquestionably infringed.
- (3) I have caused to be made a thorough search of the prior art. I have also reviewed the prior art cited in the parent applications and the foreign counterparts thereof.

The references deemed most closely related to the subject matter encompassed by the claims is already of record in the instant application because they were disclosed in either this application or a US patent application from which the instant application claims priority. As such, Applicants are not submitting herewith any further references (see MPEP 708.02(II)).

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CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this paper (along with any referred to as being enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

January 9, 2003

Date

Alma Woodberry
Alma Woodberry

The Commissioner is hereby authorized to charge the \$130 petition fee required by 37 CFR 1.17(h) and any additional fees, including extension fees, required by this communication or to credit any overpayment to Deposit Account No. 07-1350. A duplicate copy of this authorization is enclosed.



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PATENT TRADEMARK OFFICE

Patent Department
The Gillette Company
Prudential Tower Building
Boston, MA 02109

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Howley', with a stylized, sweeping flourish at the end.

David Howley
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